

REMARKS

Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-41 have been rejected. Claims 1, 7-9, 11-13, 15-20, 22-27, 30-32 and 35-39 have been amended. No new matter has been added. Accordingly, Claims 1-41 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 102

On page 2 of the Detailed Action, the Examiner rejected Claims 1-7, 11, 12 and 18-34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,139,165 to Hara (“Hara”). Applicants respectfully traverse this rejection. Specifically, Applicants respectfully disagree with the Examiner’s assertion that Hara discloses a “flexible” container as required by the claims of the present Application. Despite this traversal, Applicants have amended the claims for clarity and in an effort to further prosecution.

Claims 1-7, 11, 12 and 18-31

Claims 1, 24, 30 and 31 are in independent form. Independent Claims 1, 24, 30 and 31 (as amended) now each recite a hermetic storage system comprising, in combination with other elements, a “container configured for holding the wipes, the container formed of a flexible film material and having an open first end and a closed second end” and a “collar coupled to the open first end and having a peripheral edge surrounding an aperture” (emphasis added).

A “hermetic storage system” in which a “container formed of a flexible film material and having an open first end and a closed second end” has a “collar coupled to the open first end” as required by independent Claims 1, 24, 30 and 31 (as amended) is not disclosed, taught or suggested by Hara.

Hara relates to a “Container for Photographic Film Cartridge” and discloses a container 1 having a body portion 2 fitted with a cap portion 5 that is removably connected thereto. In one example, the container 1 is in the shape of a rectangular parallelepiped and configured to hold a photographic film cartridge. (Fig. 3, column 5, lines 27-30). To remove the photographic film cartridge from the container 1, portions of the body portion 2 are pinched and pressed by a user’s fingers to deform the body portion 2 into a rhombus relative to the cap portion 5 (column 6, lines 12-15). The deformation of the body portion 2 opens the cap portion 5. Hara uses the term “flexible” with reference to the container portion to refer a user’s ability to deform the container portion with one hand to release the cap portion (column 2, line 67 – column 3, line 4).

With regard to the Examiner’s suggestion that Hara discloses a container that is “flexible” as required by the claims of the present Application, Applicants respectfully disagree. The container disclosed in Hara is relatively rigid or stiff in comparison to the container of the present Application. For example, the container of the present Application has a structure that “does not substantially restrict the pliability of the container” and “may be readily folded, crushed, bent, shaped, etc. without requiring substantial force from a user” (paragraph [0009], lines 4-9). Providing a container with such a flexible structure allows it “to be more suitably stored in places of limited size such as pockets, purses, briefcases, backpacks, vehicle storage compartments, diaper bags and the like” since the container can conform and/or adapt to its surroundings (paragraph [0008], lines 18-20).

Despite Applicants’ disagreement with the Examiner’s suggestion, Applicants’ have amended the independent claims to recite that the container is formed of a “flexible film material” and that a “collar” is coupled to an open end of the container. Hara neither discloses, teaches or suggests the use of a “flexible film material” nor a “collar” coupled to an open end of the container.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of independent Claims 1, 24, 30 and 31 (as amended) and dependent Claims 2-7, 11, 12 and 18-23 as they depend from independent Claim 1 and dependent Claims 25-29 as they depend from independent Claim 24.

Claims 32-34

Claim 32 is in independent form. Independent Claim 32 (as amended) now recites a hermetic storage system comprising, in combination with other elements, a “flexible containing means including a receptacle formed of a flexible film material” which “further includes a collar coupled to a first end of the receptacle.”

A “hermetic storage system” in which a “flexible containing means including a receptacle formed of a flexible film material” which “further includes a collar coupled to a first end of the receptacle” as required by independent Claim 32 (as amended) is not disclosed, taught or suggested by Hara.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of independent Claim 32 (as amended) and dependent Claims 33-34 as they depend from independent Claim 32.

Claim Rejections – 35 U.S.C. § 103

On page 3 of the Detailed Action, the Examiner rejected Claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Hara. On page 4 of the Detailed Action, the Examiner rejected Claims 1-11, 12 and 18-41 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,366,104 to Armstrong (“Armstrong”) in view of U.S. Patent Publication No. 2002/0148846 to Luburic (“Luburic”). On page 6 of the Detailed Action, the Examiner rejected Claims 13-17 under 35 U.S.C. § 103(a) as being unpatentable over Hara in view of U.S. Patent No. 5,699,912 to Ishikawa (“Ishikawa”) and alternatively under 35 U.S.C. § 103(a) as being unpatentable over Armstrong in view of Ishikawa.

Claims 1-34

As previously described, Applicants have amended independent Claims 1, 24, 30, 31 and 32 to recite a combination of subject matter Applicants believe to be allowable. Hara, Armstrong, Luburic and Ishikawa, alone or in any proper combination with each other, do not disclose, teach or suggest the combination of subject matter recited in independent Claims 1, 24, 30, 31 and 32.

Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103(a) and allowance of independent Claims 1, 24, 30, 31 and 32 (as amended) and dependent Claims 2-11, 12 and 18-23 as they depend from independent Claim 1, dependent Claims 25-29 as they depend from independent Claim 24, and dependent Claims 33-34 as they depend from independent Claim 32.

Claims 35-41

Claim 35 is in independent form. Independent Claim 35 (as amended) now recites a method for making a hermetic storage system for containing wipes comprising, in combination with other steps, “providing a container configured for holding at least one wipe, the container formed of a flexible film material and having an open first end” and “coupling a collar having a first connector surrounding an aperture to the open first end” (emphasis added).

A “method for making a hermetic storage system for containing wipes” comprising “providing a container configured for holding at least one wipe, the container formed of a flexible film material and having an open first end” and “coupling a collar having a first connector surrounding an aperture to the open first end” as required by independent Claim 35 (as amended) would not have been obvious in view of Armstrong, alone or in any proper combination with Luburic.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of independent Claim 35 (as amended) and dependent Claims 36-41 as they depend from independent Claim 35.

* * *

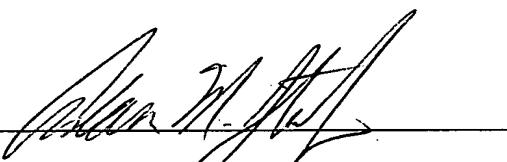
Independent Claims 1, 24, 30, 31, 32 and 35 and dependent Claims 2-9, 11-13, 15-20, 22-23, 25-27, and 36-39 have been amended. Applicants believe that the present Application is now in condition for allowance. Favorable reconsideration of the Application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

By _____



Adam M. Gustafson
Attorney for Applicant
Registration No. 54,601

Date 7-5-2006

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5652
Facsimile: (414) 297-4900